

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

LARRY E. EALY,

Plaintiff, : Case No. 3:90-cv-159

- VS -  
CITY OF DAYTON, OHIO, et al.,

Defendants. :

---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

---

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 248) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Plaintiff's Motion for Relief from Judgment (ECF No. 247) is DENIED. The Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed in forma pauperis.

October 3, 2022.

s/Thomas M. Rose  
Thomas M. Rose  
United States District Judge